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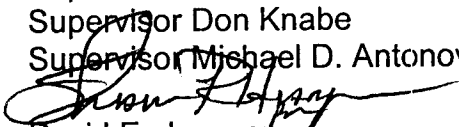
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April 6, 2007

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

MOTION TO OPPOSE AB 1207 (SMYTH) – BIOSOLIDS (ITEM NO. 3, AGENDA OF APRIL 10, 2007)

Item No. 3 on the April 10, 2007 Agenda is a motion by Supervisor Antonovich to oppose AB 1207 (Smyth) and send a five-signature letter to the Governor, Assembly Speaker, Senate President Pro Tempore, and the Los Angeles County Legislative Delegation expressing the Board's opposition to this bill.

Existing law requires the State Water Resources Control Board or the regional water quality control boards to prescribe general waste discharge requirements for land applications of sludge and the use of that sludge as a soil amendment or fertilizer. In addition, the California Integrated Waste Management Board (CIWMB) oversees the implementation of AB 939 and is designated the lead State agency on all solid waste management issues. AB 939 requires each city and county to divert 50 percent of solid waste from disposal at landfills and/or transformation facilities. Failure to mathematically demonstrate achievement of this requirement may subject a jurisdiction to penalties of up to \$10,000 per day.

The term "biosolids" refers to sewage sludge that has been treated and tested, can be either landfilled or beneficially used as soil amendment for use in agriculture, silviculture, horticulture, and land reclamation in conformance with Federal, State, and local laws and regulations.

As indicated in the Board Motion, AB 1207 (Smyth) would: 1) require the CIWMB to develop regulations for the land application of biosolids by July 1, 2009; 2) require the standards to be uniform statewide; 3) prohibit a local governmental entity from enacting any ordinance or regulation that is contrary or inconsistent to the CIWMB's regulations on the land application of biosolids; and 4) void any existing or future local ordinance or regulation that contradicts the CIWMB's regulations regarding the composting and disposal of biosolids.

At present, Public Works' Consolidated Sewer Maintenance District operates and maintains four small "package" wastewater treatment plants, three of which are located in the Malibu area and one in the Lake Hughes area of the Antelope Valley. Currently, Malibu sludge is hauled to the City of Los Angeles for treatment and disposal. Sludge generated from the Lake Hughes Community Wastewater Treatment Facility is dried on-site and 100 percent of the biosolids (dried sludge) are beneficially reused as soil amendment on the plant grounds. The Malibu plants collectively produce three wet tons per year and the Lake Hughes plant produces one wet ton per year.

The City of Los Angeles (which also serves portions of 23 cities it contracts with) maintains and operates two wastewater treatment facilities which collectively produce 239,000 wet tons per year of biosolids. Ninety-nine percent of the biosolids (700 tons per day) is exported to Kern County for land application purposes.

The County Sanitation Districts of Los Angeles County (which serve nearly all the remaining cities in Los Angeles County) operate 11 wastewater treatment facilities which collectively produce 600,000 wet tons per year of biosolids. Approximately 50 percent of its biosolids is exported to Kern County and the rest is exported to other diverse markets throughout California.

Only two landfills in Los Angeles County are permitted to accept biosolids: Lancaster and Puente Hills Landfills. However, Lancaster Landfill, which is permitted to accept up to ten tons per day, did not receive any biosolids in 2006. In addition, Puente Hills Landfill, which is permitted to accept only biosolids from their own wastewater treatment facilities, did not receive any biosolids in 2006.

Of the amount of biosolids exported to Kern County, 85 percent (660 tons per day) is composted and the remaining 15 percent (120 tons) is land applied. Kern County residents revolted in seeing the dumping of waste in their county and passed Measure E - effective December 2006, and includes a six-month extension through June 2007 - which bans the land application of biosolids in the unincorporated area of Kern County. Los Angeles City and Los Angeles County Sanitation Districts are engaged in a lawsuit indicating that this measure was not proper. The lawsuit is currently in the Appellate Court.

Los Angeles City is sponsoring AB 1207 because they want to ensure that Kern County doesn't pass any other ordinance barring the importation of biosolids waste to their property. The Department of Public Works (DPW) indicates that beyond the County's relationship with the City in their disposal of our three tons a year of waste, is that this bill would have statewide effect as the State Waste Board regulations and land use principles could supersede our local authority.

DPW states that AB 1207 would undermine local governments' local land use authority regarding the land application, composting, and disposal of biosolids and recommends that the County oppose AB 1207.

The Department of Regional Planning (DRP) indicates this bill would preclude the Department from imposing any conditions on the land application of biosolids as part of a conditional use permit or plot plan, if those conditions are deemed in conflict with any State regulations governing such application. It would also preclude the Department's best environmental management practices to guard against the contamination of local agriculture and water resources. DRP also recommends that the County oppose AB 1207.

Opposition to AB 1207 is consistent with existing County policy to "oppose" legislation that infringes upon county board of supervisors' local land use decision-making authority.

AB 1207 is sponsored by the City of Los Angeles and is opposed by Californians Against Waste and the California State Association of Counties. This measure is currently in the Assembly Natural Resources Committee awaiting a hearing date.

DEJ:GK
MAL:EW:can

c: Executive Officer, Board of Supervisors
County Counsel